

/

RAMSEY TOWN COMMISSIONERS

Planning Breach Policy

Originating Officer

Town Clerk

Date

23 July 2020

Approved by Policy Committee

5 August 2020

Adopted by Ramsey Town Commissioners

19 August 2020

Last Review Date

## Contents

1. Introduction 3
2. Background 3
3. Our Policy 4
4. Our Objectives 4
5. Information and Guidance 4
6. Responsible Officer and Review 4

## Introduction

The Department of Environment Food and Agriculture works in partnership with all sectors of the Manx Community to protect and enhance the Island's environment within the core principles of environmental, economic and social sustainability; whilst optimising quality of life, international reputation, food production, energy security and outdoor amenity, and protecting the health of the public.

One of the Department's key areas of responsibility is Development Management – determining planning applications and taking enforcement action. On the whole the planning system operates well, but there are times when things go wrong – development might not be carried out in accordance with approved plans and conditions. Sometimes work is undertaken without first seeking the required statutory consents from the Planning & Building Control Directorate.

This policy statement sets out Ramsey Town Commissioners approach to identified breaches of planning within the Town.

## Background

A breach of planning control is an offence, and so it is important that alleged breaches are investigated and that consideration is given to using the Department of Environment Food and Agriculture's discretionary powers to take proportionate action. Members of the public and community groups have an important role in alerting the Department to potential breaches of planning control.

Individuals who wish to report a matter where they think a planning breach may have occurred can report such directly to the Department using the Request to Investigate Suspected Breach of Planning form available on the IOM Government Website. The reporting process anonymises complainants, so that their details are not disclosed to other persons, the Department will generally not investigate anonymous complaints.

Development which has been completed is normally assessed in terms of its impact on the rateable value of the property concerned. This process however requires a valid consent to development to be in place, it is not possible to set a rate for an illegal operation as it might be construed that the development has an implied consent. Unauthorised development can therefore impact directly upon the income of the Commission.

The Department investigates all allegations in accordance with its Operational Policy on Planning Enforcement, this can be found on the IOM Government Website at:-

<https://www.gov.im/media/1355729/planning-enforcement-policy-sept-18-2-link-to-form-updated.pdf>

## Our Policy

Protecting and enhancing the environment for future generations is a fundamental aspect of our vision of “making Ramsey a better place to be”.

The Commission aims to promote a responsible approach to development within the town, and to actively participate in the Town and Country Planning process. This participation includes not only thorough consideration of applications for development but also ensuring that development undertaken without appropriate prior consent is brought to the attention of the planning authority.

## Our Objectives

The Commission will encourage complainants in relation to planning breaches to report such directly to the Department using the formal planning complaint system.

Where unauthorised development has been identified by the Commission then this will be reported directly to the planning authority for investigation, it is not the Commissions intention however to undertake inspections of the town area with the specific intention of identifying unauthorised development.

## Information and Guidance

Development Management including determining planning applications and taking enforcement action is the responsibility of the Department of Environment Food and Agriculture.

The Department provides comprehensive guidance and information on the planning process, policy and legislation through the Isle of Man Government website including a section specifically on the subject of planning enforcement which can be found using the following link:-

<https://www.gov.im/categories/planning-and-building-control/planning-enforcement-unauthorised-work-and-planning-complaints/>

Information on planning applications can be obtained through Governments online services at

<https://services.gov.im/planning-applications/> advice can also be obtained through the Commissioners

Technical Services Department at Ramsey Town Hall.

The investigation form can be found on the Government Website at <https://www.gov.im/media/279846/request-to-investigate-suspected-breach-of-planning-16-i-oct-18-ver-2.pdf>

## Responsible Officer and Review

Any questions related to this policy should be directed to the Technical Services Manager. This policy will be subject to review in the event of any change in statute or planning policy and in any event at least every fourth year.